IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 11507 of 2005

Between:

Neelam Venkatrao S/o. Late Ramulu
R/o. Kamarajupeta (V) Gokavaram (M)
E.G.District.

..... PETITIONER

AND

1 The Additional Agent to the Government, E.G.District at Rampachodavaram
2 The Special Deputy Collector (TW)
Rampachodavaram E.G.District.
3 The Mandal Revenue Officer
Gangavaram E.G.District.
4 The Govt. of A.P Rep.by its Principal Secretary, Social Welfare Dept., Secretariat Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature writ of mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of 4.20 acres in Sy.No.69 of Yamanapalli (V), Gangavaram (M), E.G.District pending revision preferred before the 4th respondent against the order in C.M.A.No.32/2003, on the file of the 1st respondent as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the revision in the interest of justice.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

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<u>ORDER:</u>

Heard the learned Counsel appearing for both the parties.

It is stated that the father of the petitioner purchased an extent of Ac.4.20 cents of land situated at Yamanapalli Village, Gangavaram Mandal, East Godavari District, under an agreement of sale dated 9.7.1966, which was subsequently registered on 20.6.1971. After the death of his father, the petitioner has been in possession and enjoyment of the said property by personally cultivating the same.

While so, at the instance of the Special Deputy Tahsildar, Gangavaram, proceedings have been initiated under the A.P. Scheduled Areas Land Transfer Regulations for ejectment of the petitioner vide L.T.R.P.No.251 of 2002 on the file of the 2nd respondent. The 2nd respondent passed orders dated 6.5.2003 directing the ejectment of the petitioner from the said land. Against the said order, the petitioner filed C.M.A.No.32 of 2002 before the 1st respondent and the 1st respondent dismissed the said C.M.A. by an order, dated 24.7.2004. Aggrieved by the said order of the appellate authority, the petitioner filed a revision petition under Section 6 of the A.P. Scheduled Areas Land Transfer Regulations, 1959 before the 4th respondent-State Government on 16.3.2005. It is stated that along with the revision, stay application also has been filed, but no orders have been passed so far. It is further stated that pending revision, the 3rd respondent is taking steps to evict the petitioner from the land in question.

Having regard to the facts and circumstances of the case, even before the revision is disposed of, if the petitioner is dispossessed from the land in question, the purpose of filing revision itself becomes useless and therefore, I am of the opinion that it is just and proper to protect the possession of the petitioner over the land in question. Hence, the respondents are directed not to evict the petitioner from the land in question pending disposal of the stay application in the revision petition filed by the petitioner before the 4th respondent-State Government.

Accordingly, the writ petition is allowed. No order as to costs.

24th May 2005

Nn.

Copy to:

1 The Additional Agent to the Government, E.G.District at Rampachodavaram
2 The Special Deputy Collector (TW)
Rampachodavaram E.G.District.
3 The Mandal Revenue Officer
Gangavaram E.G.District.
4 The Principal Secretary, Govt. of A.P, Social Welfare Dept., Secretariat Hyderabad.

5. Two C.Cs to the G.P. for Social Welfare, High Court Buildings, High Court of A.P., Hyderabad (O.U.T.)

6. Two C.D. copies.